ZONING REVIEW SHEET

<u>CASE</u>: C14-2007-0084 <u>P.C. DATE</u>: July 24, 2007

August 28, 2007

ADDRESS: 3215 Exposition Boulevard OWNER: Austin Elm terrace, LP

(Steve D. Beuerlein)

AGENT: Alice Glasco Consulting (Alice Glasco)

ZONING FROM: UNZ (Unzoned)

TO: MF-1 (Multifamily residence – limited density)

AREA: 2.182 Acres

SUMMARY PLANNING COMMISSION RECOMMENDATION:

August 28, 2007:

APPROVED MF-1-CO DISTRICT ZONING WITH CONDITIONAL OVERLAY FOR A MAXIMUM NUMBER OF 27 UNITS.

[J.REDDY, M.DEALEY 2ND] (6-2) P.HUI, T.ATKINS – NAY

SUMMARY STAFF RECOMMENDATION:

Staff offers an alternate recommendation of SF-6. The Staff recommendation is based on the following considerations:

- The recommended zoning classification is compatible with existing residential uses along Exposition boulevard;
- 2.) The recommended zoning classification will allow for a transition of land uses from MoPac Expressway to the established residential neighborhood; and
- 3.) The recommended zoning classification will encourage a diversification of residential land uses in the area while allowing the proposed land use requested.

DEPARTMENT COMMENTS:

The subject rezoning area consists of a 2.182 acre site fronting Exposition Boulevard which was auctioned by the State. There is no designated zoning on the property. The applicant proposes to zone the property MF-1 to implement zoning and allow for development of the property for townhomes and a small parking structure. Access to the property is proposed off Exposition. The site fronts single family residential, a church, and abuts the Austin State School.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	UNZ	Austin State School
North	UNZ	Austin State School
South	UNZ	Austin State School
East	UNZ	Austin State School
West	SF-3	Church / Single-family residences

NEIGHBORHOOD PLAN: Central West Austin

TIA: N/A

WATERSHED: Taylor Slough South

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

88--West Austin Neighborhood Group

511--Austin Neighborhoods Council

742--Austin Independent School District

786--Home Builders Association of Greater Austin

384--Save Barton Creek Assn.

SCHOOLS:

Austin Independent School District

- · Casis Elementary School
- O. Henry Middle School
- Austin High School

RELATED CASES: N/A

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-96-0071	SF-3 to SF-5-CO	07/30/96: Recommendation of SF-6-CO subject to a 10 foot minimum building setback from all adjoining properties. (5-0).	10/31/96: Granted SF-5-CO CO: No structure or part of a structure shall be constructed or maintained within 10 feet of the perimeter of the property. No structure or part of a structure shall be constructed or maintained within the area described in the metes & bounds description attached. The number of dwelling units on the property shall not exceed six dwelling units within 3 buildings.
C14-96-0071	SF-3 to SF-4A	01/31/06: PP TO 4-18-06 BY CONSENT (NEIGH); (8-0) 04/18/06:P PP TO 6-6-06 (AP); (9-0) 06/06/06: Withdrawn by applicant	N/A

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE	CAPITAL	SIDEWALKS
				PLAN	METRO	
Exposition	Varies	Varies	Arterial	Yes	Yes	Yes
Boulevard						

CITY COUNCIL DATE:

September 27, 2007

ACTION:

Postponed to October 18, 2007 at the

request of the Neighborhood

October 18, 2007

This item was postponed to November 29, 2007 with direction to the neighborhood and developer to select a mutually agreed upon facilitator for a meeting designed to work out the differences between the two.

November 29, 2007

ORDINANCE READINGS: 1st

2nd

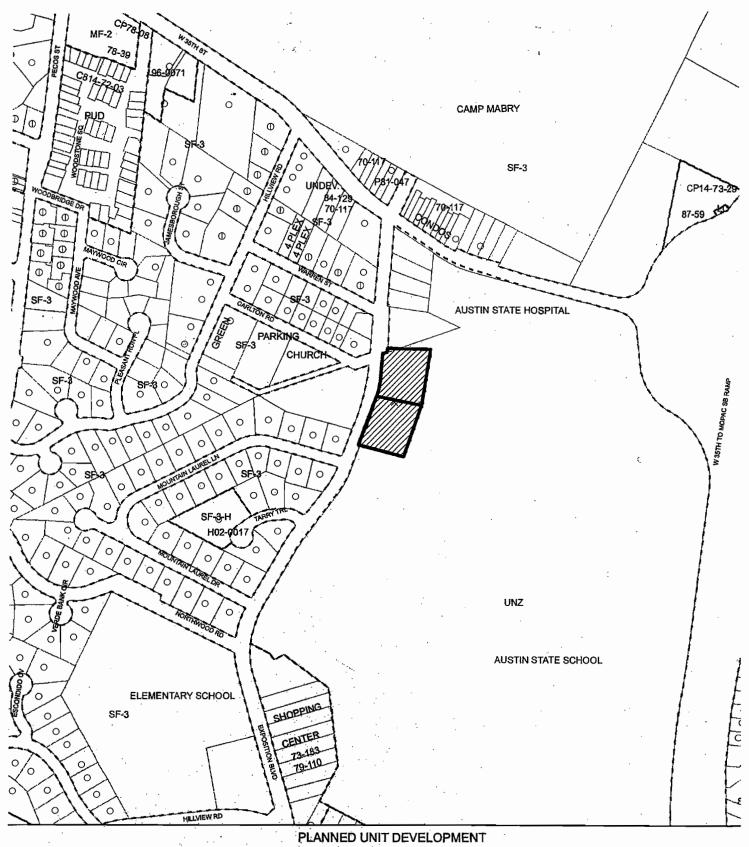
 3^{rd}

ORDINANCE NUMBER:

CASE MANAGER: Jorge E. Rousselin, NPZD

PHONE: 974-2975

E-MAIL: jorge.rousselin@ci.austin.tx.us



Subject Tract
Zoning Boundary
Pending Cases

1" = 400"

OPERATOR: SM

ZONING CASE#: C14-2007-0084

ADDRESS: 3215 EXPOSITION BLVD

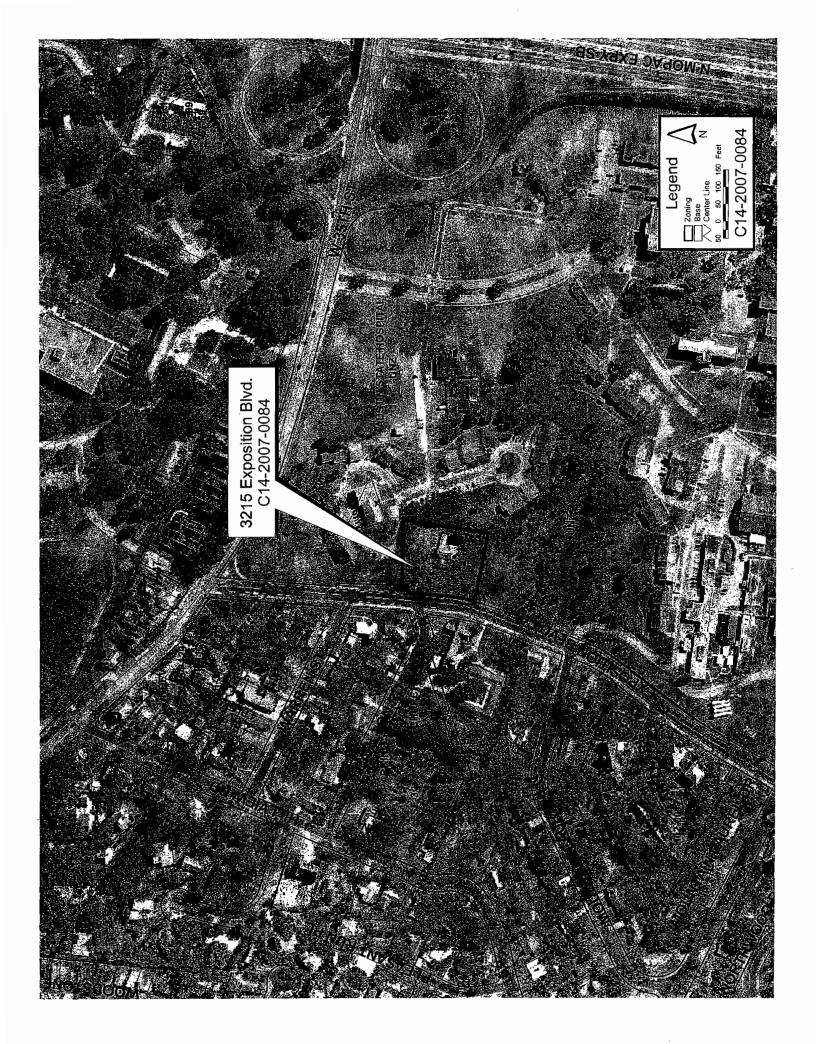
SUBJECT AREA: 2.182 ACRES

GRID: H25-26

MANAGER: J. ROUSSELIN

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





STAFF RECOMMENDATION

Staff offers an alternate recommendation of SF-6. The Staff recommendation is based on the following considerations:

- 1.) The recommended zoning classification is compatible with existing residential uses along Exposition boulevard;
- 2.) The recommended zoning classification will allow for a transition of land uses from MoPac Expressway to the established residential neighborhood; and
- 3.) The recommended zoning classification will encourage a diversification of residential land uses in the area while allowing the proposed land use requested.

BASIS FOR RECOMMENDATION

- 1.) The recommended zoning should be consistent with the purpose statement of the district sought.
 - § 25-2-61 TOWNHOUSE AND CONDOMINIUM RESIDENCE (SF-6) DISTRICT DESIGNATION.

Townhouse and condominium residence (SF-6) district is the designation for a moderate density single family, duplex, two-family, townhouse, and condominium use that is not subject to the spacing and location requirements for townhouse and condominium use in an SF-5 district. An SF-6 district designation may be applied to a use in an area with large lots that have access to streets other than minor residential streets. An SF-6 district may be used as a transition between a single family and multifamily residential use.

The recommended zoning classification will allow for residential land use diversification while encouraging a transition of land uses to the established neighborhood.

2.) The proposed zoning should promote consistency, and orderly planning.

Other properties in the immediate vicinity are zoned for residential development at various densities. Existing properties west of the site include single-family residential and a church.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning area consists of a 2.182 acre site fronting Exposition Boulevard which was auctioned by the State. There is no designated zoning on the property. Access to the property is proposed off Exposition. The site fronts single family residential, a church, and abuts the Austin State School. Impervious cover shall be limited by watershed regulations.

Transportation

- 1. No additional right-of-way is needed at this time.
- 2. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Environmental and Impervious Cover

 The site is located over the Edward's Aquifer Recharge Zone. The site is in the Taylor Slough South Creek Watershed of the Colorado River Basin, and is classified as a Water Supply Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Net Site Area	% NSA with Transfers
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

- 2. According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.
- 3. The site is not located within the endangered species survey area.
- 4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
- 5. At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
- 6. Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.
- 7. At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code requirements.

Water and Wastewater

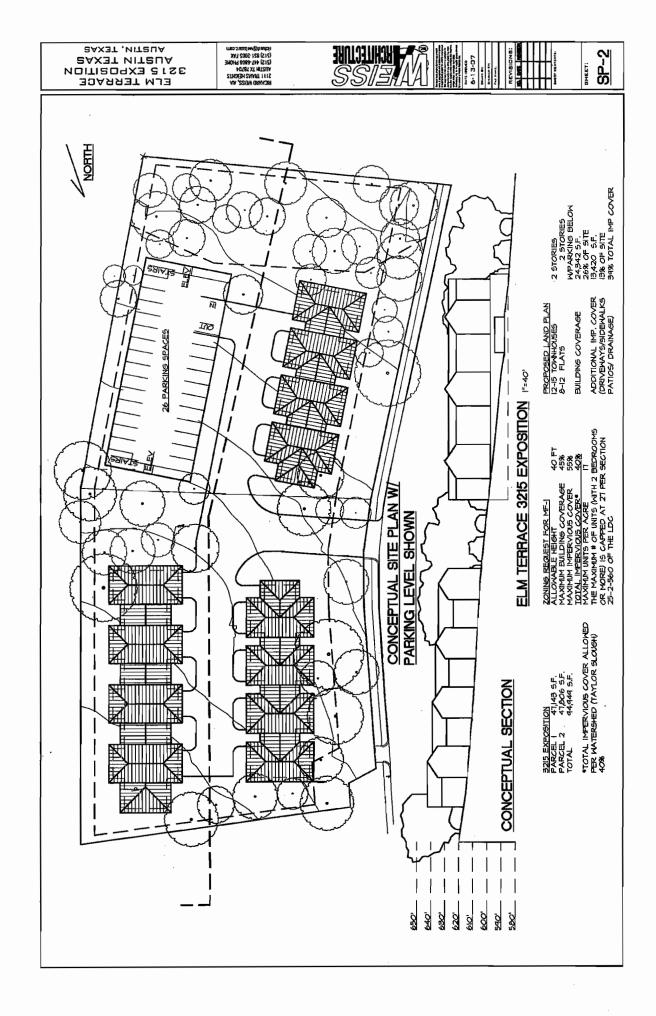
1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocation, and abandonment. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

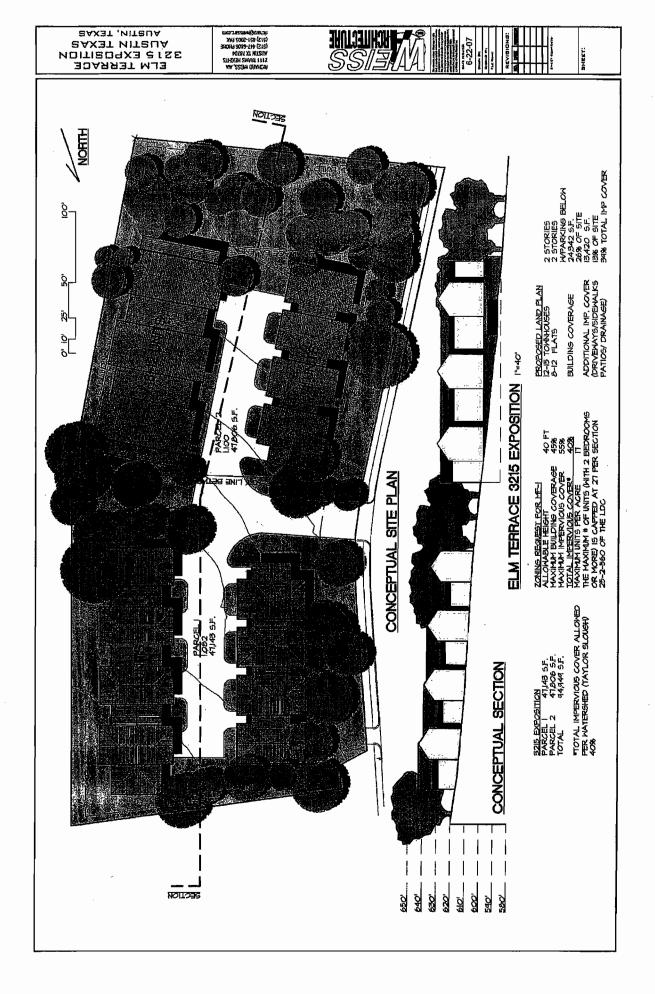
Site Plan and Compatibility Standards

 Site plans will be required for any new development other than single-family or duplex residential. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

Compatibility Standards

- 3. The site is subject to compatibility standards. Along the south property line that abut single family zoning or use, the following standards apply:
 - No structure may be built within 25 feet of the property line.
 - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
 - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
 - for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
 - No parking or driveways are allowed within 25 feet of the property line.
 - In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- 4. Additional design regulations will be enforced at the time a site plan is submitted.
 - An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.





From:

Blake Tollett

Sent:

Saturday, July 21, 2007 11:11 AM

To:

Rousselin, Jorge

Subject:

C14-2007-0084; 3215 Exposition Blvd.

20 July 2007

Jorge Rousselin

Neighborhood Planning & Zoning Department City of Austin PO Box 973 Austin, Texas 78767-0973

RE: C14-2007-0084; 3215 Exposition Boulevard

Dear Mr. Rousselin:

After meeting with the applicant of this case, Steve Beuerlein, in open meeting, and after discussion, the Executive Committee (ExComm) of West Austin Neighborhood Group (WANG) has voted electronically to oppose the above referenced rezoning request. The basis of our opposition focuses on the "spot zoning" nature of the request as well as the fact that an MF-1 zoning would then set a precedent.

For many years, the neighbors and neighborhood association have been successful in retaining an SF-3 zoning category, other than designated commercial retail/office centers, along both sides of Exposition Boulevard from Enfield Road to 35th Street. In the last several years, there have been three major church campus expansions in this stretch of Exposition Boulevard, and through cooperative efforts between neighbors and churches, the expansions have been accomplished under a zoning of SF-3. The only other non-SF-3 zoning cited by the Staff report as precedence is at 3003 West 35th Street. WANG was opposed to the upzoning request in that 1996 case, and the valid petition by the neighbors was only broken during the hearing before City Council.

The lots applicant purchased for in excess of \$2.65 million and is now asking to be rezoned MF-1 are potentially the first of the Austin State School property the State will sell off as surplus land. Just looking at the map, there is easily as much similarly situated property just to the south. It is the gradual, and maybe not so gradual, addition of the State School property into the neighborhood that has us truly nervous.

Bryker Woods, Pemberton Heights and Tarrytown are just beginning the Central West Austin Neighborhood Plan, and that planning process would be the natural place for the stakeholders to come together with a vision as to what happens with the State School property. We are not allowed that luxury. Unfortunately the State has shown no interest in becoming a part of the neighborhood planning process, and the neighborhood is faced with this rezoning request now.

At the minimum, what happens here will set the precedent for what happens in the future along that portion of Exposition. The neighborhood knows that if the State School property is developed out there will be densification of the tract. We are asking the Planning Commission to recommend to Council a zoning category of SF-3. That is consistent to what is currently along both sides of Exposition and will begin to buffer the neighborhoods on all sides of the State School property. Let's put the denser zoning deeper into the tract and more towards Mo-Pac. We are asking the Planning Commission to make the applicant justify this intense of a zoning category across the street from an SF-3 neighborhood. The new neighbors are coming. Let us integrate them correctly.

A representative of the neighborhood association will attend the Planning Commission meeting, and please feel free to contact us.

Sincerely;

Blake Tollett, West Austin Neighborhood Group PO Box 5722 Austin 78763-5722

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

If you use this form to comment, it may be returned to:

Neighborhood Planning and Zoning Department

Jorge Rousselin P. O. Box 1088

City of Austin

Austin, TX 78767-8810

www.ci.austin.tx.us/development

☐ I am in favor of units on the property were ilmited restriction H am teamilling to evapor comments should include the board or commission's name, the scheduled 48703 7/20/07 the nelghbors by the owners. Without way to easure that the total anmular to the Maximum 24 units presented Written comments must be submitted to the board or commission (or the The application only it there were a Comments: I would be willing to support date of the public hearing; and the Case Number and the contact person contact person listed on the notice) before or at a public hearing. Your □ I object In the conceptual plan , rovided to mechanism encuring this 2703 Warren Street willian 7. meni Your address(es) affected by this application Contact: Jorge Rousselin, (512) 974-2975 William Nemir Public Hearing: July 24, 2007 Planning Commission Case Number: C14-2007-0084 Your Name (please print) The request listed on the notice.

20 JULY 2007

RECEIVED

JUL 242007

JORGE ROUSSELIN
NEIGHBORHOOD PLANNING & ZONING DEPARTMENT
CITY OF AUSTIN
PO Box 973
AUSTIN, TEXAS 78767-8810

Neighborhood Planning & Zoning

RE: C14-2007-0084; 3215 EXPOSITION BOULEVARD

DEAR MR. ROUSSELIN:

AFTER MEETING WITH THE APPLICANT OF THIS CASE, STEVE BEUERLEIN, IN OPEN MEETING, AND AFTER DISCUSSION, THE EXECUTIVE COMMITTEE (EXCOMM) OF WEST AUSTIN NEIGHBORHOOD GROUP (WANG) HAS VOTED ELECTRONICALLY TO OPPOSE THE ABOVE REFERENCED REZONING REQUEST. THE BASIS OF OUR OPPOSITION FOCUSES ON THE "SPOT ZONING" NATURE OF THE REQUEST AS WELL AS THE FACT THAT AN MF-1 ZONING WOULD THEN SET A PRECEDENT.

FOR MANY YEARS, THE NEIGHBORS AND NEIGHBORHOOD ASSOCIATION HAVE BEEN SUCCESSFUL IN RETAINING AN SF-3 ZONING CATEGORY, OTHER THAN DESIGNATED COMMERCIAL RETAIL/OFFICE CENTERS, ALONG BOTH SIDES OF EXPOSITION BOULEVARD FROM ENFIELD ROAD TO 35TH STREET. IN THE LAST SEVERAL YEARS, THERE HAVE BEEN THREE MAJOR CHURCH CAMPUS EXPANSIONS IN THIS STRETCH OF EXPOSITION BOULEVARD, AND THROUGH COOPERATIVE EFFORTS BETWEEN NEIGHBORS AND CHURCHES, THE EXPANSIONS HAVE BEEN ACCOMPLISHED UNDER A ZONING OF SF-3. THE ONLY OTHER NON-SF-3 ZONING CITED BY THE STAFF REPORT AS PRECEDENCE IS AT 3003 WEST 35TH STREET. WANG WAS OPPOSED TO THE UPZONING REQUEST IN THAT 1996 CASE, AND THE VALID PETITION BY THE NEIGHBORS WAS ONLY BROKEN DURING THE HEARING BEFORE CITY COUNCIL.

THE LOTS APPLICANT PURCHASED FOR IN EXCESS OF \$2.65 MILLION AND IS NOW ASKING TO BE REZONED MF-1 ARE POTENTIALLY THE FIRST OF THE AUSTIN STATE SCHOOL PROPERTY THE STATE WILL SELL OFF AS SURPLUS LAND. JUST LOOKING AT THE MAP, THERE IS EASILY AS MUCH SIMILARLY SITUATED PROPERTY JUST TO THE SOUTH. IT IS THE GRADUAL, AND MAYBE NOT SO GRADUAL, ADDITION OF THE STATE SCHOOL PROPERTY INTO THE NEIGHBORHOOD THAT HAS US TRULY NERVOUS. BRYKER WOODS, PEMBERTON HEIGHTS AND TARRYTOWN ARE JUST BEGINNING THE CENTRAL WEST AUSTIN NEIGHBORHOOD PLAN, AND THAT PLANNING PROCESS WOULD BE THE NATURAL PLACE FOR THE STAKEHOLDERS TO COME TOGETHER WITH A VISION AS TO WHAT HAPPENS WITH THE STATE SCHOOL PROPERTY. WE ARE NOT ALLOWED THAT LUXURY. UNFORTUNATELY THE STATE HAS SHOWN NO INTEREST IN BECOMING A PART OF THE NEIGHBORHOOD PLANNING PROCESS, AND THE NEIGHBORHOOD IS FACED WITH THIS REZONING REQUEST NOW.

AT THE MINIMUM, WHAT HAPPENS HERE WILL SET THE PRECEDENT FOR WHAT HAPPENS IN THE FUTURE ALONG THAT PORTION OF EXPOSITION. THE NEIGHBORHOOD

KNOWS THAT IF THE STATE SCHOOL PROPERTY IS DEVELOPED OUT THERE WILL BE DENSIFICATION OF THE TRACT. WE ARE ASKING THE PLANNING COMMISSION TO RECOMMEND TO COUNCIL A ZONING CATEGORY OF SF-3. THAT IS CONSISTENT TO WHAT IS CURRENTLY ALONG BOTH SIDES OF EXPOSITION AND WILL BEGIN TO BUFFER THE NEIGHBORHOODS ON ALL SIDES OF THE STATE SCHOOL PROPERTY. LET'S PUT THE DENSER ZONING DEEPER INTO THE TRACT AND MORE TOWARDS MO-PAC. WE ARE ASKING THE PLANNING COMMISSION TO MAKE THE APPLICANT JUSTIFY THIS INTENSE OF A ZONING CATEGORY ACROSS THE STREET FROM AN SF-3 NEIGHBORHOOD. THE NEW NEIGHBORS ARE COMING. LET US INTEGRATE THEM CORRECTLY.

A REPRESENTATIVE OF THE NEIGHBORHOOD ASSOCIATION WILL ATTEND THE PLANNING COMMISSION MEETING, AND PLEASE FEEL FREE TO CONTACT US.

SINCERELY;

BLAKE TOLLETT, WEST AUSTIN NEIGHBORHOOD GROUP

PO Box 5722

AUSTIN 78763-5722

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However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office. retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

or commission (or the ublic hearing. Your s name, the scheduled id the contact person	I object	7/23/07 Date	d to:
Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice. Case Number: C14-2007-0084	Contact: Jorge Rousselm, (512) 9/4-29/2 Public Hearing: July 24, 2007 Planning Commission July 24, 2007 Planning Commission Vour Name (please print)	ss(es),	If you use this form to comment, it may be returned to: City of Austin Neighborhood Planning and Zoning Department Jorge Rousselin P. O. Box 1088 Austin, TX 78767-8810

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ALICE GLASCA Your Name (please print)	X I am in favor
3300 Exposition (Swar	
The Gledow	8/21/07
Signature Comments:	Date
If you use this form to comment, it may be returned to:	
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Your address(es) affected by this application Comments: If you use this form to comment, it may be returned to: City of Austin Neighborhood Planning and Zoning Department Jorge Rousselin P. O. Box 1088 Austin, TX 78767-8810

A. BOONE ALMANZA 3221 STEVENSON AUSTIN, TEXAS 78703

August 20, 2007

via Telecopy No. 974-6054
Jorge Rousselin
City of Austin
Neighborhood Planning & Zoning Department
P.O. Box 1088
Austin, Texas 78767

Re: Case No. C14-2007-0084 - Public Hearing August 28, 2007 Austin Elm Terrace, LP

Dear Mr. Rousselin:

Please allow me this opportunity to provide you with my comments regarding the zoning change requested by Austin Elm Terrace, LP for the project at 3215 Exposition Boulevard. I have been a resident of Tarrytown for almost forty years of my life, and therefore, I feel that I have a good insight into the neighborhood as well as to the current makeup of the area and the changes taking place in the area. I do not live within 300 feet of the proposed development, but I am aware of the development as well as the conceptual plan proposed by Austin Elm Terrace, LP. In my view, the MF-1 zoning is entirely appropriate for this location because it minimizes the number of curb cuts along Exposition and creates architecturally appropriate multi-family units. If this property stays single family housing, it will require numerous curb cuts on the east side of Exposition from Mountain Laurel to W. 35th Street which is undesirable. Consequently, it is very appropriate for this property to be zoned MF-1 because it decreases the traffic and problems along Exposition and provides appropriate density for the area. Moreover, there are numerous multi-family residences within a stone's throw of the location, in particular, along W. 35th Street, and therefore, the project maintains the residential feel of the surrounding area and achieves appropriate density sought by the City of Austin for the area.

Consequently, please consider my comments as in favor of the project and in favor of the proposed zoning change to MF-1.

If you have any questions about my position on this matter, please feel free to contact me.

Boone Almana

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X i am 16 favor 8.28.07 Mcmmins oaustine CT comments should include the board or commission's name, the scheduled delica Written comments must be submitted to the board or commission (or the date of the public hearing, and the Case Number and the contact person contact person listed on the notice) before or at a public hearing. Your CEROSITION 13/00 - prostoored by WANG If you use this form to comment, it may be returned to: いっというできるから Neighborhood Planning and Zoning Department stand the Your address(es) affected by this application Contact: Jorge Rousselin, (512) 974-2975 down SIZE aly 24, 2005 Planning Commission doodmost Ave mnins Loning Case Number: C14-2007-0084 Signature Cando muni Austin, TX 78767-8810 (our Name (please print) listed on the notice. Public Hearing: Jorge Rousselin P. O. Box 1088 City of Austin Mainterior 25050 Comments: 7097

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www.ci.austin.tx.us/development

123-67 am in favor comments should include the board or commission's name, the scheduled Written comments must be submitted to the board or commission (or the date of the public hearing, and the Case Number and the contact person contact person listed on the notice) before or at a public hearing. Your 1 object If you use this form to comment, it may be returned to: Neighborhood Planning and Zoning Department es) affected by this Application Contact: Jorge Rousselin, (512) 974-2975 July 24, 2007 Planning Commission Signature Case Number: C14-2007-0084 Austin, TX 78767-8810 listed on the notice. Jorge Rousselin P. O. Box 1088 Public Hearing: City of Austin our Name (p) Your addres Comments:

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

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Austin, TX 78767-8810

Jorge Rousselin P. O. Box 1088

City of Austin

www.ci.austin.tx.us/development

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From:

Brooks Schuelke

Sent:

Wednesday, September 26, 2007 9:18 AM

To:

Rousselin, Jorge

Cc:

aliceglasco@mindspring.com

Subject:

Case No. c14-2007-0084; 3215 Exposition

Follow Up Flag: Follow up Flag Status:

Completed

Attachments:

Exposition Project Objection.pdf

Dear Mr. Rousselin:

After extreme consideration, I am filing the attached objection to the above-referenced plan.

The decision to object has not been an easy one for my wife and me. As you probably know, I originally told Ms. Glasco that I would support the plan. However, that agreement was based on a misunderstanding about the size of the project that would potentially be allowed under the zoning change. (And I in no way suggest that I was misled by anyone; I recognize the misunderstanding comes from my own ignorance).

I have two major concerns with the plan. The first is traffic. The intersection at Carlton Road and Exposition is a dangerous one. As you are on Carlton Road attempting to turn onto Exposition, there is a dangerous dip between Carlton and Warren that conceals vehicles coming from the north, and cars traveling on Exposition from the south are concealed by an almost blind corner. It is difficult for me to safely turn, but I am even more terrified thinking about my children making that turn when they start driving in a few years. (And I don't think I'm alone in that concern; over the ten years that we have lived on Carlton, there are more families moving to Carlton and they will have young drivers in the coming years.) These problems would only be exacerbated by the concentrated, high number of vehicles that would accompany twenty-seven units.

I am also concerned about any precedent that is set for the area. If this parcel is zoned MF1 and sets a precedent for other portions of the state school along Exposition to be zoned MF1, my concerns, including my concerns about traffic, would multiply exponentially. If the perimeter of the state school is developed with similar projects from 35th street to the Tarrytown shopping center, that portion of Exposition will be deadly.

I also want to make clear that I do not think the property owners should be limited to SF3 zoning. In fact, there are many things that I like about the proposed plan, particularly including their plans to only have one curb cut (which would help reduce my concerns about the traffic). But I think twenty-seven units on that property is too many, and I cannot support the plan until there is a concrete agreement for a reduced number of units in the area.

Thank you for your time and consideration.

C. Brooks Schuelke 2702 Carlton Road Austin, Texas 78703 (512)302-4970

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expected to attend a pub to hearing, you are not required to attend. City Council. Althou applicants and/or their agent(s) are However, if you do at...ad, you have the opportunity to speak two public hearings: b. ore the Land Use Commission and the crest in an application affecting your coposed development or change. You borhood or environmental organization est will be reviewed and acted upon at

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Austin, TX 78767-8810

contact person listed on the notice) before or at a public hearing. Your date of the public hearing, and the Case Number and the contact person comments should include the board or commission's name, the scheduled Written comments must be submitted to the board or commission (or the listed on the notice.

City of Austin Neighborhood Planning and Zoning Department Jorge Rousselin P. O. Box 1088	
If you use this form to comment, it may be returned to:	
objection for the project and	
to My Lousselin, I am withdrawing	
Charleful 7/14/07 Signature Date	
Your address(es) affected by this application	
Your Name (please print)	
Case Number: C14-2007-0084 Contact: Jorge Rousselin, (512) 974-2975	

From:

Gwen [acitation]

Sent:

Friday, September 21, 2007 3:15 PM

To:

Rousselin, Jorge

Cc:

Subject:

WANG ExComm

CC:

Postponement request - C14-2007-0084 Elm Terrace

Attachments: 2537711608-Elm Terrace Postponement Itr final.pdf

Mr Rousselin

Please see the attached postponement request letter.

If you would reply via email this afternoon to confirm that you have received this, I would greatly appreciate it.

It would also be helpful if you could give us some idea as to when we would be advised as to whether or not the postponement had been granted, as well as confirmation as to the rescheduled date.

Thank you for your assistance!

Regards,

Gwen Jewiss President WANG

Got a little couch potato?

Check out fun summer activities for kids.



WEST AUSTIN NEIGHBORHOOD

GROUP

P.O. Box 5722 • Austin, Texas 78763-5722

Octamized 1973

"To preserve our neighborhood and protect it from deterioration.

RECEIVED SEP 24 2007

Neighborhood Planning & Zoning

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August Harris III President-Elect

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Michael Falk Treasurer

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Mary Arnold Joyce Basciano Joseph Bennett Michael Cannatti George Edwards Anne Keene Susan Pascoe Ken Pfluger Blake Tollett

HONORARY COMMITTEE MEMBERS

Sinclair Black Hon. Will Wynn September 21, 2007

Mr. Jorge Rousselin City of Austin 505 Barton Springs Road Suite 500 Austin, TX 78704

Re:

C14-2007-0084

Owner: Austin Elm Terrace (Steve Beuerlein) 472-3020 Agent: Alice Glasco consulting (Alice Glasco) 231-8110

Location: 3215 Exposition Boulevard

Proposed Zoning Change:

From: Unzoned

Mr. Jorge Rousselin:

On behalf of the neighbors of the proposed Austin Elm Terrace project, as well as the West Austin Neighborhood Group, I am writing to request a postponement of City Council's hearing of the C14-2007-0084 Austin Elm Terrace case from the scheduled date of September 27, 2007 to December 13, 2007 for the reasons outlined herein.

As you are likely already aware, the tract in question is slightly larger than two acres. The tract was auctioned off by the State of Texas earlier this year. At one time, the property had been the Austin State School Assistant Superintendent's residence. Like the remainder of the Austin State School property, it was unzoned. This parcel is on the east side of Exposition Blvd, south of 35th Street in Tarrytown, just a short distance north of Casis Elementary School. The surrounding properties are single family residences, Westminster Presbyterian Church and the remainder or the State School property. The overwhelming majority of the privately held land is currently zoned SF-3.

As noted in the presentations to the Planning Commission, the developer's team has had an ongoing dialog with the West Austin Neighborhood Group (WANG). At all times, they have maintained the MF-1 zoning request with no consideration of any compromise for discussion. WANG has also been working with many concerned neighbors who have expressed their desire to see the property zoned SF-3. Going into the Planning Commission meeting, City Staff recommended SF-6. After lengthily testimony from both sides, the split recommendation from Planning Commission was for MF-1.

Parallel to this issue, in November 2006, City Council authorized the Central West Austin Neighborhood Planning Area, including Tarrytown, Bryker Woods and Pemberton. We are now in the Neighborhood Planning process. Due to some delays in staffing availability, our Kick-Off Meeting was delayed to June 21, 2007. Subsequently, we have been meeting bi-weekly in workshops, visioning and goal setting to develop our Neighborhood Plan. It is a tremendous undertaking. The commitment shown by a significant number of our residents has been remarkable.

The decision by the Planning Commission has prodded the neighbors to recognize that there may be room for transition from the SF-3 position originally being held. WANG is continuing to work with the neighbors, and is in dialogue with the developer's team to reach a potential agreement of zoning somewhere between the SF-3 and MF-1 positions. The additional time will allow us to get a bit deeper into the Neighborhood Planning process so that we as a neighborhood might have more insights into the "long distance" vision in order to develop a more holistic overlay for the State School property as a whole if and or when part or all of it is redeveloped.

Lastly, <u>all</u> of the persons who would need to attend the City Council presentation have been actively involved with the Neighborhood Planning process, attending all of the meetings. An important phase of the neighborhood planning process will occur at the same time that the Eim Terrace hearing is held. We cannot be in both places at once and both are critical for the long term planning of Central West Austin.

We respectfully request that we be granted this postponement until December 13, 2007 so that the parties involved can work through the issues noted above.

Gwen Jewiss

President West Austin Neighborhood Group

Cc: WANG ExComm

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	P. O. Box 1088
	Jorge Rousselin
-	City of Austin
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	RICHARD G. HARDIN DI Object
	September 27, 2007 City Council
	Caste Number: C14-2807-0084 Contact: Jorge Roussellu, (512) 974-2975
=	

From: Sara Marler (

Sent: Tuesday, August 28, 2007 10:55 AM

To: sully.jumpnet@sbcglobal.net; amdealey@aol.com; saundra_kirk@sbcglobal.net; jay_reddy@dell.com;

tracy.atkins@gmail.com; paulahui16@yahoo.com; pcavazos_planning@yahoo.com;

cidg@galindogroup.com

Cc: Rousselin, Jorge

Subject: c14-2007-0084-Elm Terrace, Item #4 on agenda

Dear Planning Council:

We live on Mountain Laurel Drive with our two young children. We agree with our neighbors Dealey and David Herndon and Vivian and Russell Wilson regarding the change of zoning proposed by Austin Elm Terrace. We DO NOT WANT Multi Family zoning to take over a lot which had one single family home on it. We DO NOT WANT SF 6 zoning on a lot which had one home on it. Our concerns are the same as the Wilson's and Herndon's:

- 1. An unbroken stretch of SF3 zoning all along Exposition should be honored. SF3 is the best zoning for our neighborhood. It allows greater density than the single family of most of our homes, but does not leave us open to off grade parking, greater height, a great deal of paving for drives and parking, and the general look of an apartment or dense condo development.
- 2. WANG previously opposed a request by Westminster Presbyterian Church to change the zoning to SF6 and this property is directly across the street from the Church.
- 3. We DO NOT WANT to set a precedent for other high density development to move onto Exposition. Higher density should be located closer to the MoPac corridor with access from the north, West 35th street, and the east at MoPac.
- 4. Traffic on Exposition is already dense not only during rush hour but throughout the day. Casis Elementary at Northwood and Exposition currently has 780 students enrolled and traffic is already backed up and down Exposition during the morning and early afternoon hours during drop off and pick up. Those of us on Mountain Laurel Drive, Mountain Laurel Lane and Tarry Trail, have no means to exit our neighborhood than be getting on Exposition. The Herman Brown subdivision centralized to the west of Exposition also has limited exits from the neighborhood with the main one from Northwood Road. There are hills and curves which limit visibility considerably and it is already a dangerous traffic situation.

In conclusion, please DO NOT support the request by Austin Elm Terrace and Alice Glasco for MF-1 on the Exposition corridor tonight.

Thank you for your consideration, John and Sara Hatfield Marler

512.452.4814

From: Jason Reese

Sent: Tuesday, August 28, 2007 6:00 AM

To: Rousselin, Jorge

Subject: Elm Terrace at 3215 Exposition Blvd.

Jorge,

My name is Jason Reese and I live in Tarrytown at 2405 W. 9th St., Austin, TX. I support this project and would like to see the zoning the developer is asking for approved. We are excited to see positive development in the area.

Thanks,

Jason Reese Account Executive, S. TX, LA Brocade Corporation www.brocade.com jreese@brocade.com mobile: 512-968-4005

From: Sent:

Monday, August 27, 2007 6:49 AM

To:

jorge.rousselin@ci.austin

Subject:

Support for C14-2007-0084 Elm Terrace

Dear Jorge,

I am a neighbor in the Tarrytown area (3212 Bridle Path) who wishes to express my support for the above referenced zoning case for the following reasons:

First, the strongest and most desirable communities across the country (examples: Buckhead in Atlanta, Highland Park in Dallas, La Jolla or Del Mar in San Diego) all have a broad range of housing. Our housing needs change over time. In my own case, my wife and I will be empty nesters in 8 years. There is a good possibility that we will consider downsizing our home to reduce our maintenance and tex burdens. Yet, we love our neighborhood and consider it of great importance that we remain in our neighborhood. This type of product would fit empty nesters well and give them the opportunity to remain in our neighborhood.

Second, with house prices so expensive, this type of product provides a high quality, well maintained (through a homeowners' association) addition into our community -- at prices that will be attractive within our community. Keeping folks in the core of our city is vital to our city's long term economic health.

Please feel free to contact me if you have any questions or comments. tmitchell@austin.rr.com or 512.924-8066.

Thank you.

Terry Mitchell 3212 Bridle Path Austin, Texas 78703

From:

Sent:

Friday, August 24, 2007 4:39 PM

To:

sully.jumpnet@sbcglobal.net; amdealey@aol.com; saundra_kirk@sbcglobal.net; jay_reddy@dell.com;

tracy.atkins@gmail.com; pcavazos_planning@yahoo.comcidg; paulahui16@yahoo.com

Cc:

Rousselin, Jorge

Subject: 3215 Exposition - zoning case C14-2007-0084-Elm Terrace, PC item #4 Aug 28th

My wife, Dealey, and I live at 2903 Tarry Trail, the back of which abuts Exposition.

We ask you to deny MF 1, which the developer wants, and deny SF 6, which staff is recommending. The proper zoning should be SF 3.

Under SF 6 the project could have up to 26 condominium units, no real difference from what it could do under MF 1. The surrounding area is either SF 3 or the State School. When it, like this tract, is developed having a dense SF 6 condo on this tract would be strong precedent for the rest of the State School frontage on Exposition to be SF 6. Estimating the amount of that frontage, there could be between 80 and 100 condos along Exposition on the State School property. That is way too much. When the State School property is developed, the area close to Exposition should be SF 3 with the rear of the houses, and no driveways, on Exposition. The street in front of those houses would connect to 35th St. There are some townhouses on 35th St. where Exposition dead ends into it, but they appear to have about 6 units per acre, not the 12.44 allowed in SF 6. And, they are on 35th, not Exposition.

Thank you for your consideration of our position.

TO COMPLY WITH IRS RULES, WE MUST INFORM YOU THAT ANY TAX ADVICE CONTAINED IN THIS MESSAGE (INCLUDING ANY ATTACHMENTS) WAS NOT INTENDED OR WRITTEN TO BE USED, AND CANNOT BE USED, FOR THE PURPOSE OF AVOIDING PENALTIES UNDER FEDERAL TAX LAW, OR TO PROMOTE, MARKET OR RECOMMEND TO ANOTHER PARTY ANY TRANSACTION OR MATTER ADDRESSED HEREIN. PLEASE CONTACT US IF YOU HAVE ANY QUESTIONS REGARDING THESE RULES.

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Graves, Dougherty, Hearon & Moody A Professional Corporation 401 Congress Avenue, Suite 2200 Austin, Texas 78701

Phone: (512) 480-5600

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Neighborhood Planning and Zoning Department

Jorge Rousselin P. O. Box 1088

City of Austin

Austin, TX 78767-8810

www.ci.austin.tx.us/development

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Case Number: C14-2007-0084
Contact: Jorge Rousselin, (512) 974-2975
Public Hearing: > postpored by WANG to 8.28.07
(L'I am in favor
Your Name (please print)
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EARING INFORMATION PUBLIC

may also contact a neighborhood or environmental organization This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the Althou is applicants and/or their agent(s) are However, if you do attend, you have the opportunity to speak crest in an application affecting your expected to attend a pub : hearing, you are not required to attend. FOR or AGAINST the .. uposed development or change. that has expressed an City Council. neighborhood.

evaluate the City star, s recommendation and public input forwarding its own recommendation to the City Council. If the board or commission a counces a specific date and time for a During its public hearin the board or commission may postpone postponement or conting that is not later than 60 days from or continue an application's hearing to a later date, or may he announcement, no figure notice is required. the City Council may grant or deny a the land to a less intensive zoning than requested but in no case ... Il it grant a more intensive zoning. zoning request, or rezon During its public hearin

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Neighborhood Planning & Zoning

If you use this form to comment, it may be returned to: Neighborhood Planning and Zoning Department

Austin, TX 78767-8810

lorge Rousselin P. O. Box 1088

City of Austin

SEP 26 2001

www.ci. stin.tx.us/development

I am in favor comments should include the board or commission's name, the scheduled Written comments must be submitted to the board or commission (or the date of the public hearing, and the Case Number and the contact person contact person listed on the notice) before or at a public hearing. Your A RECEIVED Your address(es) affected by this application Contact: Jorge Rousselin, (512) 974-2975 NWE September 27, 2007 City Council Case Number: C14-2007-0084 Signature Stanton Your Name (please print) listed on the notice. Public Hearing: 2 Comments:

EARING INFORMATION PUBLIC

This zoning/rezoning request will be reviewed and acted upon at two public hearings: become the Land Use Commission and the City Council. Althou is applicants and/or their agent(s) are However, if you do attend, you have the opportunity to speak may also contact a neighborhood or environmental organization crest in an application affecting your expected to attend a pub : hearing, you are not required to attend. FOR or AGAINST the coposed development or change. that has expressed an neighborhood.

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For additional inform on on the City of Austin's land development process, victour website:

Neighborhood Planning & Zoning

if you use this form to comment, it may be returned to: Neighborhood Planning and Zoning Department

Austin, TX 78767-8810

Jorge Rousselin P. O. Box 1088

City of Austin

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www.ci. .stin.tx,us/development

XI am in favor comments should include the board or commission's name, the scheduled Written comments must be submitted to the board or commission (or the date of the public hearing, and the Case Number and the contact person contact person listed on the notice) before or at a public hearing. Your 12/01 ocation RECEIVED 78703 appropriette Your address(es) affected by this application Contact: Jorge Rousselin, (512) 974-2975 $\widetilde{\chi}$ Ve shlortoool Magree Elter Lan Public Hearing: September 27, 2007 City Council RASURD Case Number: C14-2007-0084 Signature Your Name (please print) 13/2/20 listed on the notice. 1657 204 Comments:

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Neighborhood Planning & Zoning

may also contact a neir. hothood or environmental organization that has expressed an crest in an application affecting your This zoning/rezoning request will be reviewed and acted upon at two public hearings: bottom the Land Use Commission and the Althou 's applicants and/or their agent(s) are expected to attend a pub. . hearing, you are not required to attend. However, if you do att. 1d, you have the opportunity to speak FOR or AGAINST the proposed development or change. City Council. neighborhood.

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P. O. Box 1088

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PUBLIC KARING INFORMATION

comments should include the board or commission's name, the scheduled

contact person listed on the notice) before or at a public hearing. Your

date of the public hearing, and the Case Number and HEOEAVEOn

listed on the notice.

Written comments must be submitted to the board or commission (or the

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a pubble hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an processed or environmental organization neighborhood.

During its public hearin the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City states recommendation and public input forwarding its own recommendation to the City Council. If the board or commission a counces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no fix the notice is required.

During its public hearin the City Council may grant or deny a zoning request, or rezon the land to a less intensive zoning than requested but in no case all it grant a more intensive zoning.

However, in order to low for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain connectial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the lower commercial zoning districts. As a result, the MU Combinery District allows the combination of office, retail, commerce, and residential uses within a single development.

For additional inform, on on the City of Austin's land development process, viz. our website:

www.ci.. stin.tx.us/development

OCT 05 2007
Case Number: C14-2007-0084
Contact: Jorge Rousselin, (512) 974-2975 Neighborhood Planning & Zoning
September 27, 2007 City Council
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City of Austin
Neighborhood Planning and Zoning Department
P O Box 1088
Austin, TX 78767-8810

ORDINANCE NO.

AN ORDINANCE ESTABLISHING PERMANENT ZONING FOR THE PROPERTY LOCATED AT 3215 EXPOSITION BOULEVARD AND CHANGING THE ZONING MAP FROM UNZONED (UNZ) TO MULTI-FAMILY RESIDENCE LIMITED DENSITY-CONDITIONAL OVERLAY (MF-1-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change it from unzoned (UNZ) to multi-family residence limited density-conditional overlay (MF-1-CO) combining district on the property described in Zoning Case No. C14-2007-0084, on file at the Neighborhood Zoning and Planning Department, as follows:

Parcel 1: A 1.082 acre tract of land, more or less, out of the Daniel J. Gilbert Survey No. 8, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and

Parcel 2: A 1.100 acre tract of land, more or less, out of the Daniel J. Gilbert Survey No. 8, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated in this ordinance (the "Property"),

locally known as 3215 Exposition Boulevard, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

- **PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:
 - A. Development of the Property shall not exceed a density of 27 dwelling units.
 - B. Development of the Property shall not exceed a density of 12.37 dwelling units per acre.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the multi-family residence limited density (MF-1) base district and other applicable requirements of the City Code.

Draft: 10/5/2007 Page 1 of 2

COA Law Department

PART 3. This ordinand	ce takes effect on _			<u> 1 </u>	_, 2007
PASSED AND APPRO	OVED				:
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	 ,	<u> </u>	Will Wyn	n	_
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APPROVED:		_ATTEST: _		<u>. </u>	
David	Allan Smith		Shirley	A. Gentry	
City	Attorney		City	Clerk	
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Exhibit A

1.082-ac. ~ 47,143 Sq. Ft. Daniel J. Gilbert Sur. No. 8 Travis County, Texas LAI Job No. 070423 FN0432R2(wdo) Page 1 of 3

FIELD NOTES DESCRIPTION (PARCEL 1)

DESCRIPTION OF 1.082 ACRES (47,143 SQUARE FEET) OF LAND IN THE DANIEL J. GILBERT SURVEY NO. 8, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; BEING A PORTION OF THAT CERTAIN CALLED 96.92 ACRE TRACT DESCRIBED IN A DEED TO THE STATE OF TEXAS, DATED JULY 26, 1916, OF RECORD IN VOLUME 286, PAGE 330, DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND ALSO BEING A PORTION OF LOT 5, SECOND RESUBDIVISION OF LOT 5 MAR-GLENN, A SUBDIVISION ACCORDING TO THE PLAT OF RECORD IN PLAT BOOK/VOLUME 29, PAGE 49, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID LOT 5, ACCORDING TO A SURVEY PLAT PREPARED BY HOMER BROWN, REGISTERED PUBLIC SURVEYOR NO. 386, DATED OCTOBER 1970, IS A PORTION OF THE PROPERTY CONVEYED FROM U. OF T. (PRESUMABLY THE UNIVERSITY OF TEXAS) TO T.D.M.H. & M.R. (TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION) BY EXCHANGE DEED DATED JANUARY 26, 1970 (A SEARCH OF THE TRAVIS COUNTY DEED RECORDS FOR THE EXCHANGÈ DEED WAS UNSUCCESSFUL); SAID TRACTS OF LAND BEING PART OF THE AUSTIN STATE SCHOOL PROPERTY SITUATED ALONG EXPOSITION BOULEVARD AND SOUTH OF WEST 35TH STREET; SAID 1.082 ACRE TRACT, AS SHOWN ON LOOMIS AUSTIN, INC. PLAN NO. 3117, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a calculated point in the east right-of-way line of said Exposition Boulevard for an angle point in the west line of said 96.92 acre State of Texas tract of land, from which a 3-inch brass cap stamped "AUSTIN STATE SCHOOL RM 22 ELEV 610.04" in concrete bears N 56° 06' 00" W a distance of 0.50 feet, said brass cap set as a reference monument to the tract corner by Homer Brown, Registered Public Surveyor No. 386, in his survey of the Austin State School property for the State of Texas as noted on his plat dated October 1970;

THENCE with the west line of said 96.92 acre tract, being the east right-of-way line of said Exposition Boulevard, the following four (4) courses and distances:

- N 38° 10' 39" E a distance of 307.07 feet to a 3-inch brass cap stamped "AUSTIN STATE SCHOOL NO 23 ELEV 592.62" in concrete found for an angle point,
- 2) N 28° 11' 44" E a distance of 59.45 feet to a 3-inch brass cap stamped "AUSTIN STATE SCHOOL NO 24 ELEV 588.22" in concrete found for an angle point,
- 3) N 20° 49' 19" E, at a distance of 140.29 feet pass a mag nail with washer driven into a drilled hole in a concrete rip-rap set for the southwest corner of Parcel 2, a 1.100 acre portion of said 96.92 acre State of Texas tract also surveyed this date, continuing for a total distance of 366.39 feet to a 3-inch brass cap stamped "AUSTIN STATE SCHOOL NO. 25 ELEV 594.45" in concrete found at a point of curvature, and
- 4) with the arc of a curve to the left, having a radius of 270.00 feet, an arc distance of 1.30 feet and a chord bearing N 20° 40' 59" E a distance of 1.30 feet to a 3/4-inch iron pipe set into the ground with a 1/2-inch iron rod with plastic cap stamped "LAI" set inside the pipe, said iron pipe and iron rod set in a chain link fence running east-west approximately 2.3 feet east of a chain link fence corner post to mark the northwest corner of said Parcel 2 and being the southwest corner and POINT OF BEGINNING of the tract described herein; N 10,085,235.45-ft, E 3,107,633.45-ft

1.082-ac. ~ 47,143 Sq. Ft. Daniel J. Gilbert Sur. No. 8 Travis County, Texas LAI Job No. 070423 FN0432R2(wdo) Page 2 of 3

THENCE continuing with the west line of said 96.92 acre State of Texas tract, same being the east right-of-way line of said Exposition Boulevard and the west line of the tract described herein, the following two (2) courses and distances:

- 1) continuing with the arc of said curve to the left, having a radius of 270.00 feet, an arc distance of 75.89 feet and a chord bearing N 12° 29' 36" E a distance of 75.64 feet to 3/4-inch iron pipe set into the ground with a 1/2-inch iron rod with plastic cap stamped "LAI" set inside the pipe, said iron pipe and iron rod set to mark the end of said curve, and
- 2) N 04° 30' 49" E a distance of 114.83 feet to a 3/4-inch iron pipe set into the ground with a 1/2-inch iron rod with plastic cap stamped "LAI" set inside the pipe, said iron pipe and iron rod set to mark an angle point, same being the northwest corner of said 96.92 acre State of Texas tract;

THENCE N 70° 58' 28" E, continuing with the east right-of-way line of Exposition Boulevard, same being the north line of said 96.92 acre State of Texas tract, a distance of 21.68 feet to one-inch rounded bolt found (said bolt the type of marker often set by the City of Austin survey crews to mark right-of-way corners) driven into the ground for an angle point in said right-of-way line, same being the southwest corner of said Lot 5, Second Resubdivision of Lot 5 Mar-Glenn and an angle point in the west line of the tract described herein;

THENCE N 04° 47' 04" E, leaving the north line of said 96.92 acre State of Texas tract and continuing with the east right-of-way line of said Exposition Boulevard, same being the west line of said Lot 5 Second Resubdivision of Lot 5 Mar-Glenn, a distance of 16.74 feet to a 3/4-inch iron pipe set into the ground with a 1/2-inch iron rod with plastic cap stamped "LAI" set inside the pipe, said iron pipe and iron rod set under a chain link fence running north-south approximately 0.4-ft north of its intersection with another chain link fence running east-west to mark the most northern northwest corner of the tract described herein;

THENCE S 88° 47° 35" E, leaving said Exposition Boulevard right-of-way line, same being the west line of said Lot 5, at a distance of approximately 45 feet cross the south line of said Lot 5, same being the north line of said 96.92 acre State of Texas tract, continuing across said 96.92 acre tract for a total distance of 192.78 feet to a 3/4-inch iron pipe set into the ground with a 1/2-inch iron rod with plastic cap stamped "LAI" set inside the pipe, said iron pipe and iron rod set approximately 0.5-ft northeast of a metal chain link fence post to mark the northeast corner of the tract described herein; N 10,085,443.45-ft, E 3,107,873.46-ft

THENCE S 08° 45' 36" W, continuing across said 96.92 acre tract, a distance of 250.58 feet to a 3/4-inch iron pipe set into the ground with a 1/2-inch iron rod with plastic cap stamped "LAI" set inside the pipe, said iron pipe and iron rod set approximately 0.5-ft southeast of a metal chain link fence post to mark the southeast corner of the tract described herein, and being the northeast corner of said Parcel 2; N 10,085,195.81-ft, E 3,107,835.30-ft

THENCE N 78° 53' 25" W, continuing across said 96.92 acre tract, a distance of 205.72 feet to the **POINT OF BEGINNING** and containing 1.082 acres (47,143 square feet) of land, more or less.

1.082-ac. ~ 47,143 Sq. Ft. Daniel J. Gilbert Sur. No. 8 Travis County, Texas

LAI Job No. 070423 FN0432R2(wdo) Page 3 of 3

BEARING BASIS: Texas Coordinate System, Central Zone, NAD83. The coordinates shown hereon are grid; the distances are surface. To convert the distances to grid multiply by the project combined scale factor of 0.999929.

LAI WORD FILE: FN0432R2(wdo)

THE STATE OF TEXAS

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KNOW ALL MEN BY THESE PRESENTS

COUNTY OF TRAVIS

§

That I, John D. Barnard, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during the month of April 2007 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas on this 3 of April, 2007 A.D.

Loomis Austin, Inc Austin, Texas 78746

John D. Barnard

Registered Professional Land Surveyor No. 5749

State of Texas

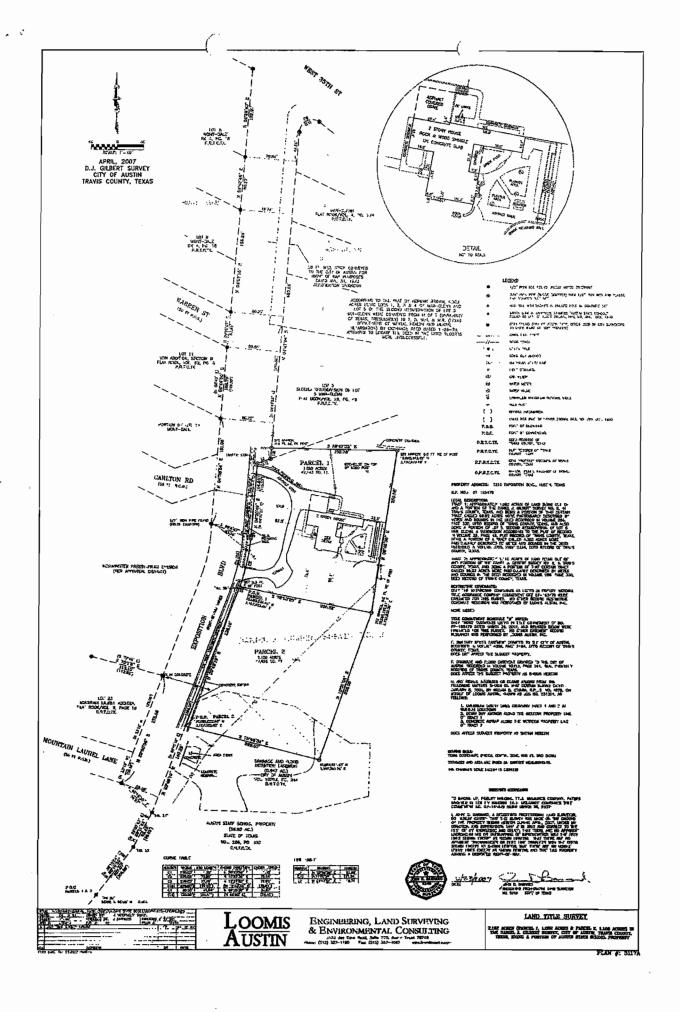


Exhibit B

1.100-ac. ~ 47,896 Sq. Ft. Daniel J. Gilbert Sur. No. 8 Travis County, Texas LAI Job No. 070423 FN0433R1(wdo) Page 1 of 2

FIELD NOTES DESCRIPTION (PARCEL 2)

DESCRIPTION OF 1.100 ACRES (47,896 SQUARE FEET) OF LAND IN THE DANIEL J. GILBERT SURVEY NO. 8, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; BEING A PORTION OF THAT CERTAIN CALLED 96.92 ACRE TRACT DESCRIBED IN A DEED TO THE STATE OF TEXAS, DATED JULY 26, 1916, OF RECORD IN VOLUME 286, PAGE 330, DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THE TRACTS MAKING UP THE AUSTIN STATE SCHOOL PROPERTY SITUATED ALONG EXPOSITION BOULEVARD AND SOUTH OF WEST 35TH STREET; SAID 1.100 ACRE TRACT, AS SHOWN ON LOOMIS AUSTIN, INC. PLAN NO. 3117, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a calculated point in the east right-of-way line of said Exposition Boulevard for an angle point in the west line of said 96.92 acre State of Texas tract of land, from which a 3-inch brass cap stamped "AUSTIN STATE SCHOOL RM 22 ELEV 610.04" in concrete found bears N 56° 06' 00" W a distance of 0.50 feet, said brass cap set as a reference monument to the tract corner by Homer Brown, Registered Public Surveyor No. 386, in his survey of the Austin State School property for the State of Texas as noted on his plat dated October 1970;

THENCE with the west line of said 96.92 acre tract, being the east right-of-way line of said Exposition Boulevard, the following three (3) courses and distances:

- 0) N 38° 10' 39" E a distance of 307.07 feet to a 3-inch brass cap stamped "AUSTIN STATE SCHOOL NO 23 ELEV 592.62" in concrete found for an angle point,
- 0) N 28° 11' 44" E a distance of 59.45 feet to a 3-inch brass cap stamped "AUSTIN STATE SCHOOL NO 24 ELEV 588.22" in concrete found for an angle point, and
- 0) N 20° 49' 19" E, a distance of 140.29 feet to a mag nail with washer driven into a drilled hole in a concrete rip-rap set for the southwest corner and **POINT OF BEGINNING** of the tract described herein; N 10,085,022.92-ft, E 3,170,552.63-ft

THENCE N 20° 49' 19" E, continuing with the west line of said 96.92 acre tract, same being the east right-of-way line of said Exposition Boulevard, a distance of 226.10 feet to a 3-inch brass cap stamped "AUSTIN STATE SCHOOL NO. 25 ELEV 594.45" in concrete found at a point of curvature;

THENCE continuing with the west line of said 96.92 acre tract, same being the east right-of-way line of said Exposition Boulevard, being an arc of a curve to the left, having a radius of 270.00 feet, an arc distance of 1.30 feet and a chord bearing N 20° 40° 59" E a distance of 1.30 feet to a 3/4-inch iron pipe set into the ground with a 1/2-inch iron rod with plastic cap stamped "LAI" set inside the pipe, said iron pipe and iron rod set in a chain link fence running east-west approximately 2.3 feet east of a chain link fence corner post to mark the northwest corner of the tract described herein, same being the southwest corner of Parcel 1, a 1.082 acre tract of said 96.92 acre State of Texas tract also surveyed this date; N 10,085,235.45-ft, E 3,107,633.45-ft

1.100-ac. ~ 47,896 Sq. Ft. Daniel J. Gilbert Sur. No. 8 Travis County, Texas LAI Job No. 070423 FN0433R1(wdo) Page 2 of 2

THENCE S 78° 53' 25" E, leaving said Exposition Boulevard right-of-way line and crossing said 96.92 acre State of Texas tract, a distance of 205.72 feet to a 3/4-inch iron pipe set into the ground with a 1/2-inch iron rod with plastic cap stamped "LAI" set inside the pipe, said iron pipe and iron rod set approximately 0.5-ft southeast of a metal chain link fence post to mark the northeast corner of the tract described herein, and being the southeast corner of said Parcel 1; N 10,085,195.81-ft, E 3,107,835.30-ft

THENCE S 19° 31' 08" W, continuing across said 96.92 acre tract, a distance of 238.08 feet to a 3/4-inch iron pipe set into the ground with a 1/2-inch iron rod with plastic cap stamped "LAI" set inside the pipe, said iron pipe and iron rod set in a field to mark the southeast corner of the tract described herein, N 10,084,971.43-ft, E 3,107,755.76-ft

THENCE N 75° 46' 34" W, continuing across said 96.92 acre tract, a distance of 209.57 feet to the POINT OF BEGINNING and containing 1.100 acres (47,896 square feet) of land, more or less.

BEARING BASIS: Texas Coordinate System, Central Zone, NAD83. The coordinates shown hereon are grid; the distances are surface. To convert the distances to grid multiply by the project combined scale factor of 0.999929.

LAI WORD FILE: FN0433(wdo)

THE STATE OF TEXAS

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KNOW ALL MEN BY THESE PRESENTS

COUNTY OF TRAVIS

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That I, John D. Barnard, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during the month of April 2007 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas on this 7

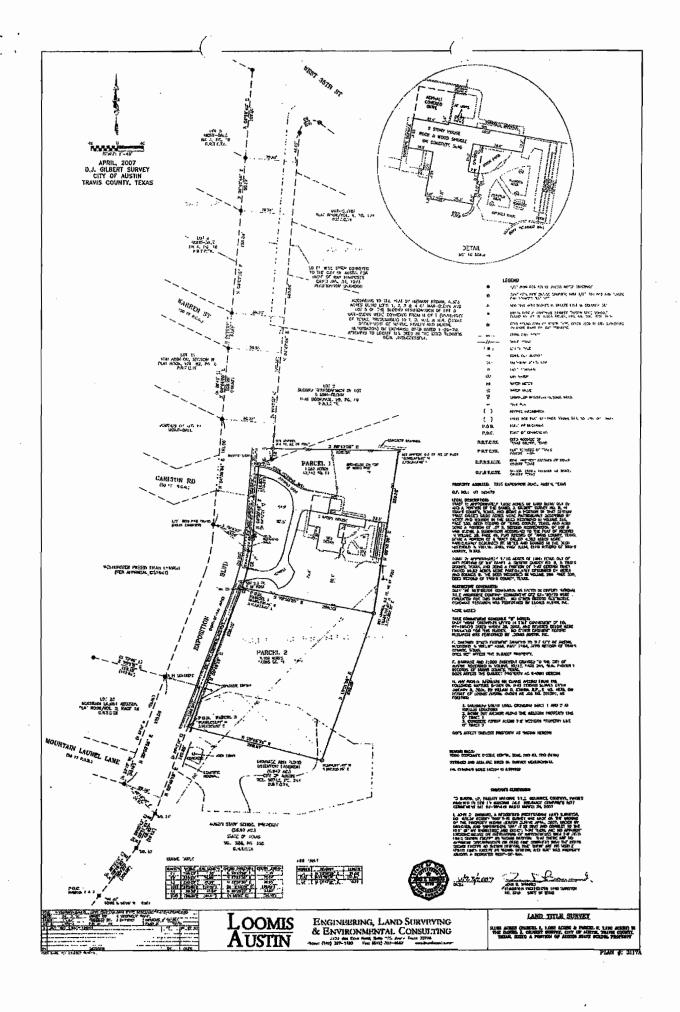
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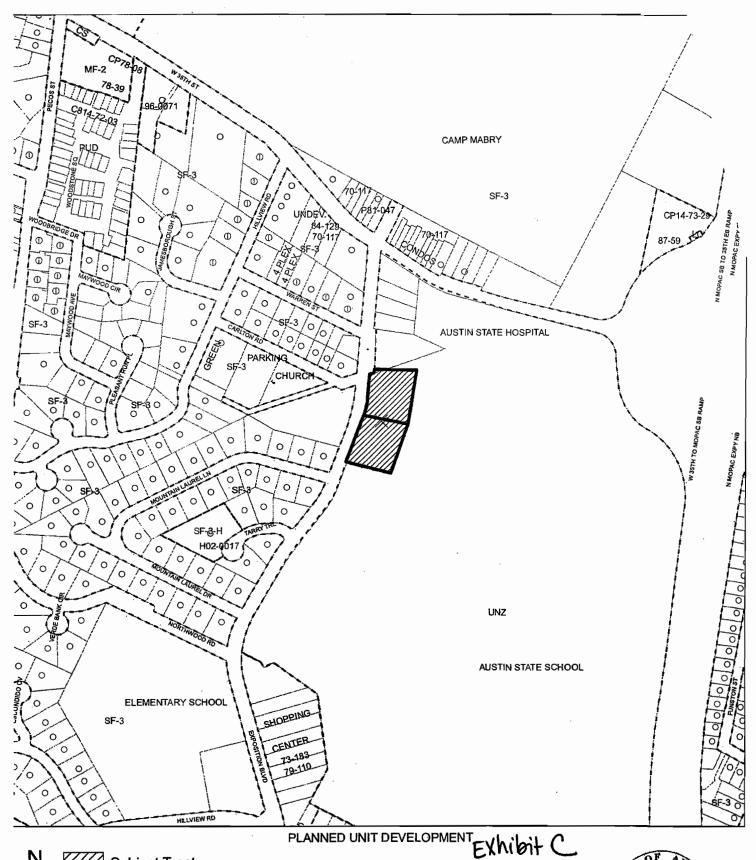
Loomis Austin, Inc Austin, Texas 78746 JOHN D. BARNARD

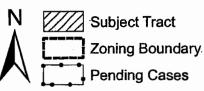
John D. Barnard

Registered Professional Land Surveyor No. 5749

State of Texas







ZONING CASE#: C14-2007-0084

ADDRESS: 3215 EXPOSITION BLVD

SUBJECT AREA: 2.182 ACRES GRID: H25-26 MANAGER: J. ROUSSELIN



This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

